

The Sunshine Canyon Landfill Expansion: Decisions, Alternatives, Consequences

**A Report of the Joint Legislative Audit Committee
Chairman Scott Wildman**

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Introduction

The Sunshine Canyon Landfill, located in the Northwest San Fernando Valley portion of the City of Los Angeles (City) and an adjacent unincorporated area in the County of Los Angeles, has been the source of controversy in that community for years.

The landfill reportedly began illegally in the early to mid 1950s but was granted a limited 10-year zoning variance in 1958.¹ It appears that both the City and County of Los Angeles have allowed the landfill to gradually become one of the largest landfills in the country despite the community's concerns, the County Grand Jury's sharp criticisms and the owner's violations of conditions imposed on it.

Many residents in the neighboring Granada Hills community argue that the City has irresponsibly allowed this landfill to encroach upon previously protected open space/woodland despite potential health impacts, environmental degradation and the City's promises. Specifically, the community and surrounding communities have expressed the following concerns:

¹ March 31, 1958 Zoning letter from Zoning Administrator Huber Smutz to former landfill owner Marshall Rabins regarding Case number 14544

- ◆ Adverse health effects on the nearby residents
- ◆ Adverse health effects on the children who attend the neighborhood schools
- ◆ Potential contamination of Los Angeles' water supply, which enters and is treated in the immediate vicinity
- ◆ Added air pollution.
- ◆ Potential groundwater and/or surface water contamination
- ◆ Destruction of the environment, including an oak woodland, and the wildlife that depend on the ecological habitat
- ◆ Impaired quality of life

Opponents of the landfill's expansion believe that the City failed to adequately examine alternatives and assert that the decision is contrary to the City's own adopted solid waste management goals, prior decisions and promises to residents. For example, it appears that the City failed to consider its own Bureau of Waste Management's plan, which is scheduled for release this year, and failed to consider other landfill options or aggressive recycling programs prior to approving the landfill expansion. In fact, City Councilman Hal Bernson called the decision to expand the landfill a "*Complete reversal of historic position of the City Planning Department.*"² He stated that the two documents from which the City based its most recent decision contained "*false information,*" which was used simply to "*persuade the Council to approve the expansion.*"³

² February 2, 2000 letter from Councilmember Bernson to Assemblymember Scott Wildman

³ *ibid*

Further, the City has apparently failed to enforce its own requirements for landfill use, despite violations by the current landfill owners. For example, in 1988, the City ordered that a health study be conducted, which to date, has not to the JLAC's knowledge been conducted.⁴

As a result of the citizens' concerns, Joint Legislative Audit Committee (JLAC) Chair Scott Wildman began an inquiry into the landfill's expansion. After a series of queries and staff research, Chairman Wildman held a roundtable discussion with the six state and two local agencies that share regulatory responsibility pertaining to landfills and the potential impacts of such landfills on the environment and public health.

As a result of inquiries, the discussion and further study by JLAC staff, Wildman believes the issue needs further analysis by an independent body and therefore requests that the Bureau of State Audits conduct an audit, which should address the following issues.

- 1) Did the City of Los Angeles adequately considered alternatives (such as recycling and alternative disposal locations) prior to the decision to expand the Sunshine Canyon Landfill?
- 2) Did the County of Los Angeles follow proper procedures in the expansion of its portion of the Sunshine Canyon Landfill?
- 3) Were the health impacts for the neighboring residents and attendants at the Van Gogh Elementary School adequately assessed and factored into the decision?
- 4) Were all of the environmental impacts that may result with such an expansion adequately assessed and factored into the decision?
- 5) Did the City of Los Angeles follow proper regulatory procedures in its decision and subsequent actions pertaining to the expansion?
- 6) Was the decision to expand the landfill consistent with its past decisions, requirements and stated goals? For example, the City had allegedly set diversion rate goals of 70

⁴ January 27, 2000 letter from Senator Richard Alarcon to Assemblymember Scott Wildman

percent by the year 2020. It had also required the owners of the landfill to conduct a health study in 1988, which JLAC staff has been unable to locate.

- 7) Is the current State and local regulatory and oversight structure adequate to protect the health and well being of its residents while addressing waste disposal and management needs? Was the regulatory structure properly utilized in the proposed expansion of the Sunshine Canyon Landfill?
- 8) What improvements should be made in the regulatory structure such that the goals for both waste management and protecting public health and the environment are met in the most appropriate manner?

Current Regulatory Structure For Waste Handling

California's Legislature found that in 1988, Californians disposed of more than 38 million tons of solid waste, exceeding 1,500 pounds of waste per person – more than any other state and over twice the per-capita rate of most other industrialized countries.⁵ The Legislature declared an urgent need for both state and local agencies to enact and implement aggressive new integrated waste management programs based on two findings:

- 1) California will exhaust most of its remaining landfill space by the mid-1990s.
- 2) Landfilling may have serious adverse environmental impacts.⁶

As a result, the Legislature declared the following:

“The responsibility for solid waste management is a shared responsibility between state and local governments and that the state shall exercise its legal authority in a manner that ensures an effective and coordinated approach to the safe

⁵ Public Resources Code, Section 40000

⁶ *ibid*

management of all solid waste generated within the state and shall oversee the design and implementation of local integrated waste management plans.”⁷

Legislative intent for the use of landfills is articulated in several sections of Public Resources Codes (PRC), such as section 44012, which specifically states:

“ . . . the enforcement agency shall ensure that primary consideration is given to protecting public health and safety and preventing environmental damage, and that the long-term protection of the environment is the guiding criterion, and that any terms and conditions of the solid waste facilities permit are consistent with subdivision (e) of Section 43209 and this division.”⁸

Further, it declared that *“the state must take a leadership role in encouraging . . . recycled products. . .”⁹*

In order to preserve public the health and safety, the Legislature declared that *“it is in the public interest for the state to . . . require local agencies, as subdivisions of the state, to make adequate provision for solid waste handling . . . consistent with the policies . . . of this division.”¹⁰*

The California Integrated Waste Management Act of 1989 (Act) specified further state policy concerning the handling of waste. The Integrated Waste Management Board (IWMB) and local agencies, it declared, shall do the following:

⁷ Public Resources Code, Section 40001

⁸ Public Resources Code, Section 44012

“Promote . . . in order of priority: Source reduction, recycling and composting, environmentally safe transformation and environmentally safe land disposal . . . [and] maximize the use of all feasible source reduction, recycling, and composting options in order to reduce the amount of solid waste that must be disposed of by transformation and land disposal. For wastes that cannot be feasibly be reduced . . . the local agency may use environmentally safe transformation or environmentally safe land disposal . . .”¹¹

The Act’s intent is further articulated in PRC, Section 40059.1, which states the following:

“One of the key provisions of this division is that each local agency has the responsibility for diverting 50 percent of all solid waste generated within the local agency by January 1, 2000.”¹²

While several state and local agencies are responsible for different aspects of landfill oversight responsibilities, the primary responsibility falls upon the Integrated Waste Management Board (Board), which shares its responsibilities with Local Enforcement Agencies (LEAs).

It appears that the Board’s current oversight is limited. Among its activities, the Board consults with the LEAs before an environmental document is prepared, comments on the proposed document and reviews the final document prior to determining whether the document adequately addresses the environmental impacts of the project, according to a February 29,

⁹ Public Resources Code, Section 40002

¹⁰ *ibid*

¹¹ Public Resources Code, Section 40051

¹² Public Resources Code Section 40059.1

2000 letter from Board Chair Dan Eaton (Eaton) to Assemblymember Wildman. He also wrote the following:

“As a responsible agency, the Board’s initial role is to advise the lead agency as to the potential environmental effects of a project . . . The Board then considers the environmental document submitted by the lead agency to determine if it adequately addresses matters within the Board’s jurisdiction. . . . The Board has five full time staff assigned to environmental review. . . .”¹³

The Board, however, doesn’t appear to review the Environmental Impact Reports (EIRs) for technical and factual accuracy and doesn’t appear to scrutinize the potential environmental degradation or significant health impacts that may result from proposed landfills. Rather, the Board appears to only check the EIRs for completeness and for compliance with applicable regional and general plans. Chair Eaton explained:

“Board staff determine whether the documents accurately describes the solid waste aspects of the project and the related impacts. In the typical instance, an environmental document would not specifically address the objectives set out in Section 40051. Instead CEQA looks to whether the project conflicts with the community’s general plan and applicable regional plans. . . .”¹⁴

Further, it appears that the current regulatory structure, using LEAs may inherently pose a conflict of interest because the LEAs are the authorized agencies that are providing oversight over the very local jurisdictions to which they belong.

¹³ February 29, 2000 letter from IWMB Chair Dan Eaton to Assemblymember Scott Wildman

¹⁴ *ibid*

Other state agencies that may have pertinent roles in landfills include the Regional Water Quality Control Boards (RWQCB), the Air Quality Management District (AQMD), the Air Resources Board (ARB), the Department of Toxic Substances Control (DTSC) and the Department of Health Services (DHS).

During the JLAC roundtable discussion with the regulatory agencies, Chairman Wildman, Assembly Speaker Antonio Villaraigosa and Assemblymember Tom McClintock all commented that the regulatory process appeared to be fragmented and disconnected with little or no communication among the regulators with no single agency responsible for understanding and analyzing the entirety of a given project for appropriateness, public health and safety and environmental protection.

Financial Requirements for Landfill Operators

When evaluating the permitting of a waste facility, the Board and the LEAs reportedly examine a number of factors, including financial ability of the operator. In fact, the Federal Code of Regulations specifies several financial strengths, including a Moody rating of Aaa, Aa, A or Baa or a Standard and Poor rating of AAA, AA, A or BBB on all general obligation bonds. JLAC staff was unable to obtain Allied Waste's bond rating; however, it located an October 1999 stock rating of "C" by Standard & Poor.¹⁵

¹⁵ Standard & Poor Stock Reports, October 30, 1999

Further, the Federal Code of Regulations requires a debt ratio equal or less than .20 comparing annual debt service to total expenditures.¹⁶ Allied appears to have a debt ratio of .79, which is considerably more than the required ratio of .20.¹⁷ In fact, in its statement to the Securities Exchange Commission, Allied wrote the following:

“Our substantial indebtedness could restrict our operations, make us vulnerable to adverse economic conditions and make it more difficult to make payments on the notes . . . On a pro forma basis, earnings were insufficient to cover fixed . . . for the year ended December 31, 1998 and for the nine months ended September 1999 by \$417.6 million and \$473.6 million respectively . . . Our substantial indebtedness could . . . make it more difficult for us to satisfy our obligations . . . increase our vulnerability to . . . limit, among other things, our ability to borrow additional funds . . . We may not be able to finance future needs or adapt our business plans because of restrictions placed on us . . . Your right to receive payments on these notes could be adversely affected if our non-guarantor subsidiaries declare bankruptcy . . . ”

Allied Waste Industries stock has also reportedly fallen 80 percent since July 1998 when it peaked at \$31.6.

City Policy for Waste Management

The City of Los Angeles has two primary governing documents pertaining to its waste management – the City of Los Angeles Solid Waste Management Policy Plan (CiSWMPP) and

¹⁶ 40 Code of Federal Regulations, Chapter I (7-1-99 Edition), Environmental Protection Agency

the Source Reduction and Recycling Element (SRRE). The CiSWMPP is a long-term 30-year policy and planning document setting forth the City's waste management general goals, objectives and policies and is intended to provide guidance to the Department of City Planning for revisions to the General Plan and Infrastructure Element. In the CiSWMPP, the City declared a 70 percent diversion goal for solid waste by the year 2020 and a 50 percent diversion by the year 2000.¹⁸

The SRRE is a 10-year plan written in response to AB 939, which more specifically defines roles, responsibilities and implementation schedules. Last year, the City reached a 45.7 percent diversion rate.

History of the Sunshine Canyon Landfill

In the early to mid 1950s, the Sunshine Canyon Landfill reportedly began as an illegal dump in the northwest San Fernando Valley portion of the City of Los Angeles (City).¹⁹ In 1957, the owners applied for a Conditional Use Permit from the City to legalize dumping at the site to which the Air Pollution Management District made the following comments,

“The proposed M3 zone would actually constitute a license to utilize the property for numerous obnoxious uses because of the unrestricted nature of the zone classification . . . We believe that the location . . . in this vicinity would have

¹⁷ March 14, 2000 letter from Salvatore Sciortino to Dona Sturgess and Nancy Jesterby of the California Integrated Waste Management Board

¹⁸ City of Los Angeles Article, April 26, 1993

¹⁹ JLAC interviews with residents of the affected community

*a highly adverse effects upon large portions of the San Fernando Valley from the standpoint of air pollution, and hence, is not desirable.”*²⁰

Instead of allowing a zone change (it was zoned for agricultural uses), the City Planning Commission recommended a limited 10-year zone variance.²¹

Largely because the site was distant enough from residents, the Zone Variance was granted in 1958 with the following condition,

- ◆ *“That at the expiration of this grant, the premises shall be left in a neat and orderly manner with no uncovered materials or waste products on the premises, and shall be maintained in a park like appearance.”*²²
- ◆ *“Upon completion of the landfill reclamation . . . the property was to be made available to the City or County Department of Recreation and Parks for recreational purposes . . . or agricultural uses . . . or private recreational use if approved.”*²³
- ◆ *“In no event shall there be any . . . dumping or burying on the property of any garbage . . . or other substances deleterious to a water supply.”*²⁴

Ten years later in 1966, when applying for a second zone variance, the project’s proponent testified that it would convert the landfill filled area to a golf course or recreational area. Despite protests from neighbors, the second variance was granted, this time allowing for

²⁰ June 6, 1957 Summary of Public Hearing, Los Angeles City Planning Commission

²¹ *ibid*

²² January 1, 1958 Zoning Report, Case Number 14544

²³ March 31, 1958 zoning letter from Huber Smutz, Zoning Administrator to Marshall Rabins

²⁴ January 1, 1958 Zoning Report, Case Number 14544

the dumping of garbage, with the condition that the property would be made available for recreational purposes upon its expiration. The variance extended the landfill for 25 years.²⁵

In 1978, the landfill's owner sold the property to Browning Ferris Industries (BFI), at which time, it appears that a new set of problems emerged. In fact, until 1982, it appears that the community had few or no complaints, according to a March 2, 1988 letter from Los Angeles City Councilmember Hal Bernson to the Chief Zoning Administrator.

However, Bernson noted that the ownership change resulted in a tremendous problem. He wrote the following:

*“From July, 1979 through approximately 1982, we have no recollection of problems. This was the beginning of the ownership of the dump by Browning Ferris Industries. During this time Period, the dump grew from a small dump to the second largest landfill in the State of California. As the dump grew, problems began to surface . . . increase in truck traffic on Balboa Boulevard . . . trash falling off trucks and flying through the air . . . gas odors. We have estimated that calls and letters went from 0 in 1982 to . . . over 300 a year.”*²⁶

By 1988, BFI had reportedly violated many of the City's conditions for use of the landfill. Because of a series of complaints from residents, the City Councilman who represented the area, Hal Bernson, filed a revocation action. After the 1988 revocation hearing, The City's Office of Zoning Administration reported the following:

²⁵ April 18, 1966 zoning letter from the Associate Zoning Administrator to Marshall Rabins

²⁶ March 2, 1988 letter from Los Angeles City Councilmember Hal Bernson to the Chief Zoning Administrator.

“The Administrator finds that certain conditions of the variance have not been complied with; certain activities on the property have proven to be materially detrimental to the occupants of surrounding property; and additional conditions are necessary to protect public health, safety and general welfare. . . . there were violations . . . exacerbated by a lack of candor and aggressive attempts to cure on the part of the operator.”²⁷

The Zoning Administrator ruled that the landfill had violated its permit in several ways, including:

- 1) It caused conditions that were materially detrimental to the surrounding community
- 2) Dust and rubbish was blowing from the landfill, constituting a “major problem”
- 3) It had exceeded its prescribed elevations, “a definite and major problem”
- 4) It had come too close to the natural water course and to Bradley Avenue
- 5) It was operating too close to the ridgeline
- 6) Its haul road and trash had exceeded the boundaries of its variance line.

The zoning administrator ruled that the landfill was in “a poor location” due in part to the area’s strong winds (up to 75 miles per hour) but did not issue a revocation. Instead, he imposed new conditions to the permit and ordered BFI to request a curative variance to encompass the land it had illegally used. The conditions imposed on BFI included:

- 1) Conduct a health study
- 2) Restore the water course

²⁷ September 1, 1988 Consideration of Revocation, Case No. ZA 17804

- 3) Replace the oak trees at a 2:1 ratio
- 4) Hire an inspector to oversee the closure.
- 5) Provide an accurate survey.

BFI then filed an appeal contending that *the “entire decision of the Zoning Administrator” was “an abuse of discretion.”* The Board of Zoning Appeals, however, concurred with the Zoning Administrator.²⁸ On May 9, Zoning Administrator John Parker wrote to BFI, informing it that the landfill had exceeded the ridge by 50 feet and was therefore out of compliance. BFI attempted to appeal the communication, and the Board after consideration, denied the appeal.²⁹

In the same year, BFI, applied to both the City and County of Los Angeles to expand the landfill by 760 acres, which would almost triple its 6,600 tons of trash per day and allow it to operate into the 21st century, according to the *Los Angeles Times*.³⁰ The expansion proposal included an allowance for BFI to destroy the oak forest that contained more than 7000 oak trees. The company promised to plant 17,000 new trees elsewhere in the County of Los Angeles.³¹

In the same approximate time period, the County Grand Jury (Grand Jury) released a report of its investigation of the County’s solid waste/refuse disposal program. The Grand Jury’s Environment Committee expressed concerns “that many plans and solutions have been dismissed or rejected.”³²

²⁸ April 6, 1989, Report of the board of Zoning Appeals

²⁹ September 20, 1991 Board of Zoning Appeals Determination Report

³⁰ March 15, 1988, “Bernson, Homeowners Press LA to Close Dump, *Los Angeles Times*

³¹ *ibid*

³² Los Angeles County Grand Jury Report on the County’s solid waste/refuse disposal program.

The Grand Jury reported the following findings in its report.

“Solid waste management in Los Angeles County is characterized by fragmented authority and decision making processes. Consequently, planning is influenced by political considerations. It was observed that the diffused decision-making authority and other political considerations are negatively impacting the implementation of various solutions to the solid waste disposal situation. . . . the planning documents, studies, and reports developed by the County of Los Angeles, the City of Los Angeles, and the County Sanitation Districts may not be providing the best available information for proper decision-making.”³³

The Grand Jury also made the following conclusions:

- ◆ *The County Solid Waste Management Plan . . . is not an adequate document for decision-making and public information.*
- ◆ *There appears to be a significant degree of mistrust in solid waste management agencies and the political leadership at both the City and County levels.*
- ◆ *There is a lack of faith in the elected officials and local jurisdictions to solve the County’s waste disposal problems.*
- ◆ *The current recycling efforts of the City of Los Angeles and the county Sanitation Districts do not have a creative approach.*
- ◆ *Current descriptions of the County-wide waste stream lack sufficient detail for understanding and substantiating solid waste options and strategies.*
- ◆ *The report . . . “Solid Waste Management Status and Disposal Options in Los Angeles County, developed by the County Sanitation Districts, the City of Los Angeles and the County of Los Angeles does not provide adequate*

³³ *ibid*

*documentation or references to support the validity of statements and assumptions presented in the report.*³⁴

In conclusion the Grand Jury recommended 28 activities to the County and the City of Los Angeles including the following:

- ◆ *The County and City should create a board for facility siting decisions.*
- ◆ *The County and City should take “concrete actions to correct the . . . mistrust between elected . . . and citizen activists/environmental/community service organizations.*
- ◆ *The County and City should initiate a comprehensive, general public education program*
- ◆ *The County and City should pursue creation and adoption of legislation that would provide . . . funds for financial incentives, research and development activities in recycling efforts.*
- ◆ *The County should form a task force to study recyclable materials, energy and biogas*
- ◆ *A comprehensive study should be conducted on alternatives.*³⁵

JLAC staff is unclear whether any of the Grand Jury’s recommendations have been implemented.

Despite the findings of the Grand Jury, in 1990, County Chief Planner James Hartl, recommended that the County approve the landfill’s expansion and bar the City from dumping there unless it approved expansion on its portion of the property.

³⁴ *ibid*

³⁵ *ibid*

In January 1991, the Metropolitan Water District issued a report expressing concern that pollution would be detrimental to both the imported water and the groundwater beneath the site.³⁶

The County approved the expansion on January 29, 1991, allowing for 17 million tons of garbage on an additional 200 acres with a potential increase to an additional 83 million tons if the City expanded its portion. It further agreed to bar the City from using the dump unless it agreed to accept at least 20 million additional tons inside its city limits.³⁷ The proposal was finalized on February 19 with the following conditions imposed on the owners.

- ◆ *Pay for a countywide study of the status of 61 Significant Ecological Areas*
- ◆ *Dedicate 524 acres of open space for public use in an area adjacent to the dump*
- ◆ *Co-sponsor five hazardous waste collections*
- ◆ *Place 1 percent of tipping fees into a fund for potential problems caused by the expansion.*³⁸

On March 22 of the same year, the City filed a lawsuit against the County in an effort to block the landfill expansion, alleging that the County's EIR exaggerated the imminence of a dump-space shortage to justify the need for a project. On March 21, 1992, Judge Ronald Sohigian issued a 71-page ruling that required the owner, BFI, to prepare a corrected EIR, on

³⁶ January 26, 1991, "Water Pollution Concerns May Stall Plan for Dump," *Los Angeles Times*

³⁷ January 29, 1991, "Supervisors Adopt Proposal to Increase Size of Waste Dump," *Los Angeles Times*

³⁸ February 20, 1991 "County Oks Expansion of Sunshine Canyon Landfill," *Los Angeles Times*

which the County Supervisors must vote.³⁹ He later ruled that the public hadn't had sufficient opportunity to comment.⁴⁰ The City portion of the landfill was inactive at that time.

BFI attempted to escape the conditions placed upon it by the City during the ensuing legal battle. During an appeal hearing that it had filed, its representative stated that because the variances had expired that the conditions expired.⁴¹

At the appeal hearing, Board of Zoning Appeals member Mr. Patsaouras admitted that the City had "dropped the ball" on enforcing the conditions. Board member Ms. Velasco made the following statements:

- ◆ *Time after time, this Board has been very lenient. In 1988, the Board gave them a break until 1991 to comply.*
- ◆ *The applicant (BFI) has used the process to buy time, not to do what was requested.*⁴²

Board member Ms. Olansky added the following statements:

- ◆ *This is a very disturbing case.*
- ◆ *The disingenuousness on the part of the proprietary sector has made fools of us and has made people distrustful of the process.*

In 1993, City Attorney James Hahn opined that the County's EIR and EIR process was inadequate and "astonishing" on a number of counts. For example, the County appeared to reach a clear conclusion prior to public review and an improper pre-determination to approve

³⁹ March 21, 1992 "County Ordered to Halt Work on Dump," Los Angeles Times

⁴⁰ November 3, 1992 "Judge's Ruling to Further Delay Landfill Expansion," Los Angeles Times

⁴¹ December 19, 1991 Board of Zoning Appeals Determination Report

⁴² *ibid*

the project, which may mean that the public comment process “is only a charade,” Hahn wrote.⁴³

On May 18, 1995, it appears that BFI attempted to dedicate portions of the A-1 zoned to the County, and the County, in turn, would allow BFI to use these portions for landfill related purposes. On June 6, 1995, City Attorney Hahn opined that both BFI and the County would still be subject to the City’s zoning regulations and could not conduct landfill activities without obtaining a variance from the City. He further stated the following:

“It has been determined by the BZA that BFI’s proposed use of A-1 zone property for landfill related activities would be contrary to the public interest. The use of sham transactions of the kind described . . . will not shield BFI from the City’s zoning regulations.”⁴⁴

In early 1999, the City Planning Commission approved a Conditional Use Permit (CUP) to reopen and expand its portion of Sunshine Canyon Landfill. On December 8, 1999 the City Council approved the zone change, in essence allowing BFI to accept 55 million tons of trash on 194 acres for the next 26 years. Part of the new dump will sit atop the old, unlined landfill; the remainder will cover former wilderness.

To date, the JLAC is unclear whether BFI has complied with the conditions ordered by the City and County. Residents assert that the company has not complied.

⁴³ June 4, 1993 City Attorney Opinion to Mr. Richard Frazier, County of Los Angeles

⁴⁴ June 6, 1995 City Attorney opinion to Honorable Hal Bernson

At an appeal hearing filed by BFI, its attorney allegedly testified that the company was no longer compelled to comply with the conditions because the landfill was not active. “When the variances expired, the conditions expired,” he stated.⁴⁵

The City’s Considerations

It appears that the City Council failed to adequately consider alternatives prior to approving the CUP. For example, a few weeks prior to the City’s vote, County Supervisor Michael Antonovich informed the City of a pending study that was set to arrive pertaining to a waste disposal alternative using rail transport and requested that it postpone its vote until the study’s arrival.⁴⁶ The City’s Bureau of Sanitation was also due to submit its report in the coming months, and the City was apparently in the midst of discussions with the County of San Bernardino regarding accepting Los Angeles City waste, which had not yet come to a conclusion.⁴⁷

Further, it appears that the City did not examine other options such as alternative technologies, more aggressive recycling, or using alternative landfills such as those owned by Orange County,⁴⁸ which had solicited waste importation from the City and County in response

⁴⁵ December 19, 1991 City Board of Zoning Appeals Determination Report

⁴⁶ November 29, 1999 letter from Antonovich to Los Angeles City Council President John Ferrarro

⁴⁷ October 22, 1999 letter from Collis Associates to Councilmember Hal Bernson

⁴⁸ November 16, 1999 memorandum from Ronald Deaton, Chief Legislative Analyst to City Councilmembers

to its General Fund shortfall.⁴⁹ Further, the City does not appear to have considered alternatives in combination.

The documents issued by City Sanitation and Legislative Analyst in support of the expansion reportedly contained false information as its basis, according to City Councilmember Hal Bernson.⁵⁰ The JLAC staff reviewed the City's tonnage figures and financial analysis and has not been able to validate the figures, nor has it found justification for the ostensibly limited scope of alternatives.

Both the City and County approved the landfill expansion based in part on a concern for a landfill shortage, which appears to be invalid, according to news articles, experts and elected officials. For example, articles in both the *Los Angeles Times* and the *Wall Street Journal* assert that "*landfills – allegedly in short supply – really weren't after all.*"⁵¹

⁴⁹ July 1997 Sunshine Canyon Landfill SEIR 91-0377-ZC/GPA, P 1-15

⁵⁰ February 2, 2000 letter from City Councilmember Hal Bernson to Chair Wildman

⁵¹ November 6, 1994 "Losses Piled up . . . as Trash Didn't," *Los Angeles Times*

Basic Facts about the Landfill

Sunshine Canyon Landfill project site is 494 acres within the City of Los Angeles. 205 were used for the previous landfill and ancillary facilities. The proposed footprint and facilities would cover 225 acres in the city, of which 122 acres would destroy existing vegetation and 108 acres would sit atop the previous landfill.⁵²

Environmental Impacts

The Sunshine Canyon Landfill area was a significant ecological area, historically a route for wildlife movement with at least four sensitive habitats, which will be further decimated, resulting in the extermination of mammals, reptiles, amphibians and other animals. In addition the area was characterized as a wetland, a live oak woodland, which is supposed to be protected by the City of Los Angeles Oak Tree Ordinance, with numerous sensitive species, which will likely be destroyed.⁵³

The Sunshine Canyon Landfill, if expanded, will be within ½ mile of an elementary school, ¼ mile from residents, adjacent to a city park and the Metropolitan Water District's treatment plant, which holds the water for over 15 million people in greater Los

⁵² Sunshine Canyon SEIR

⁵³ Sunshine Canyon Landfill, Subsequent EIR, Volume II

Angeles/Ventura County area.⁵⁴ Three other public schools appear to be within a mile of the proposed landfill.

The project is estimated to release an additional 2 ½ tons of pollutants daily into the air, including diesel emissions from 1,150 trash trucks, decomposing trash and on-site equipment -- more than five times the SCAQMD's significant threshold.⁵⁵ The diesel is anticipated to produce 954 pounds of carbon monoxide, 875 pounds of nitrogen oxides, 151 pounds of reactive organic gases and 67 pounds of particulate matter (PM10), many which have carcinogenic properties.⁵⁶ Winds carrying the PM and fugitive dust have been recorded at 75 miles per hour in the area.

The area also appears to be a groundwater recharge zone, and the landfill appears to be sited over faulted geology.

JLAC staff reviewed scientific literature pertaining to other environmental impacts resulting from neighboring landfills. While the effects of the Sunshine Canyon Landfill don't appear to have been studied or understood, some of the scientific findings related to other municipal landfills show significant environmental degradation, which may or may not apply to this particular landfill.

In Norman, Oklahoma, for example, the developmental toxicity of ground and surface water near a closed municipal landfill was found to be highly toxic in the area near the landfill, indicating a plume of toxicants. Scientists found that the contaminated groundwater posed a

⁵⁴ December 4, 1997 letter from Hal Bernson to City Planner Hadar Plafkin

⁵⁵ November 28, 1999 *Los Angeles Daily News* "Landfill's Neighbors Call for Study"

⁵⁶ *ibid*

significant health hazard and also appeared to impact wildlife when it surfaced.⁵⁷ Similarly, a study in Greece found that the groundwater was highly impacted by contaminants from the leachate of landfills.⁵⁸

In London, Refuse disposal sites are suspected to be the major source of the botulism due to *Clostridium botulinum* type C, which causes mortality in some animals such as gulls. Certain botulinum types were found in 12 of 19 landfill sites which together with rotting organic matter and generated heat associated with landfill sites undoubtedly leads to bacterial proliferation and toxigenesis.⁵⁹

Some studies have found that agriculture has also been impaired as a result of landfill gases in the soil. Florida experienced, for example, a decline of citrus due to the presence of landfill gases in the soil.⁶⁰

Health Concerns

JLAC staff has reviewed scientific literature pertaining to health effects resulting from living or working near landfills. Research illustrates potential significant health related symptoms resulting from landfill proximity. The literature reports respiratory, dermatologic, neurologic,

⁵⁷ Medline, Ground and Surface Water Developmental Toxicity at a Municipal Landfill, Department of Zoology, Oklahoma State University, Stillwater, *Ecotoxicol Environ Saf* 1998 March; 39 (3): 215-36

⁵⁸ Effect of Leachate From Landfills on Underground Water Quality, Athens National Technical University, Chemical Engineering Department, Greece, *Sci Total Environ* 1993 Jan 15; 128 (1) 69-81

⁵⁹ Landfill Sites, Botulism and Gulls, Institute of Zoology, Zoological Society of London, *Epidemiological Infection* 1994 Apr; 112 (2) : 385-91

⁶⁰ Decline of Citrus Due to Presence of Landfill Gases in the Soil, U.S. Department of Agriculture, Orlando, Florida, *Bull Environ Contam Toxicol* 1991 Jul; 47 (1): 165-72

hearing, narcotic and mood disorders, sore and itching throats, and elevated risks for cancers for the stomach, liver, intrahepatic bile ducts, trachea, bronchus, lungs, cervix uteri and prostate, which appear to be related to working or living near landfills.

Two historical morbidity surveys of both workers and residents from the Upper Ottawa Street Landfill Site in Hamilton, Ontario confirmed an association between landfill site exposure and respiratory, skin, narcotic and mood disorders. The report concluded that the vapors, fumes and particulate matter as well as direct skin exposure may have lead to the health problems found in excess. The adverse effects were reportedly a result of chemical exposure from the landfill.⁶¹

New York Employees working at a municipal landfill experienced higher rates of illnesses than other municipal sanitation workers that were not at the site. The landfill employees were found to have work-related dermatologic, neurologic, hearing and respiratory symptoms and sore and itching throats. The respiratory and dermatologic symptoms appeared to be associated with working at the landfill.⁶²

Cancer levels of persons living near a municipal solid waste landfill site in Montreal, Quebec were found to be elevated. Among men living in the exposure zone closest to the site, elevated risks were observed for cancers of the stomach, liver and intrahepatic bile ducts, trachea, bronchus and lung. Among women, elevated rates of stomach cancer and cervix uteri

⁶¹ Environ Health Perspect 1987 Nov; 75:173-95; Upper Ottawa Street Landfill Site Health Study, Department of Health Care and Epidemiology, University of British Columbia, Vancouver, Canada

⁶² Health Study of New York City Department of Sanitation Landfill Employees, new York State Department of Health, Bureau of Occupational Health, Albany, Journal of Occupational Environmental Medicine, 1997, November, 39 (11): 1103-10

cancer were observed. Prostate cancer was also elevated in one of the proximal exposure subzones.⁶³

In a 1998 AQMD review of scientific literature, health effects attributed to landfill gas emissions found “*cancer cases and low birth weight and . . . long term effects.*”⁶⁴

The scientific findings seem consistent with the complaints of individuals living in the community adjacent to the Sunshine Canyon Landfill. In fact, two ostensible cancer clusters around former landfills led state officials from California Environmental Protection Agency to ask the County DHS to conduct a health study, while Senator Tom Hayden requested that the State DHS review the data.⁶⁵

The scientific community has expressed agreement that there is insufficient study of health effects resulting from exposure to landfills, which has impaired the understanding of the health risks associated with landfill proximity.⁶⁶ And without properly understanding such health risks, local jurisdictions may be making decisions about landfill locations, which could ultimately compromise the health and well-being of their own communities.

Several of the pollutants have serious health implications in chronic and single exposures, both individually and collectively. Some of the air pollutants reported in the landfill’s EIR include carbon monoxide, nitrogen oxides, sulfur dioxide, particulate matter, fugitive dust, ozone and nitrogen dioxide. Many of these pollutants will result from the flaring of landfill gases,

⁶³ Incidence of Cancer Among Persons Living Near a Municipal Solid Waste Landfill Site in Montreal, Quebec, Occupational and Environmental Health Section, Public Health Department, Maisonneuve-Rosemont Hospital, Montreal, Quebec, Arch Environmental Health, 1995 Nov-Dec; 50 (6):416-24

⁶⁴ January 1 – October 30, 1998 AQMD “Evaluation of Health Effects of Landfill Gas Emissions in the Los Angeles Basin”

⁶⁵ October 14, 1999 “School Cancers Linked to Landfills?” *Los Angeles Daily News*

which contain the highly toxic hydrogen sulfide (H₂S), volatile organic compounds (VOCs), and methane gas.⁶⁷

Conclusion

The Sunshine Canyon Landfill appears to have been a burden on the surrounding community for more than a decade and could pose health risks on the residents and the students at the neighboring elementary school.

The City of Los Angeles may have based its decision to reopen and expand the Sunshine Canyon with insufficient knowledge and consideration about the potentially adverse effects on public health and safety and the environment. Further, it appears that the City may not have adequately considered alternatives to the dump's expansion.

Both the City and County of Los Angeles may also have exaggerated the need for expansion of the landfill.

Further, the regulatory structure appears to need evaluation in order to determine its level of effectiveness. JLAC Chair Scott Wildman recommends that the Bureau of State Audits conduct a thorough evaluation to assess these issues.

⁶⁶ January 1 – October 30, 1998 AQMD “Evaluation of Health Effects of Landfill Gas Emissions in the Los Angeles Basin”

⁶⁷ Sunshine Canyon Landfill FSEIR

(Supporting Documents Available Upon Request)